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May 6, 2020

**VIA E-MAIL & U.S. MAIL**

Barbara Parker  
City Attorney  
City of Oakland, California  
1 Frank H. Ogawa Plaza, Floor 6  
Oakland, California 94612

Re: *Chief Anne Kirkpatrick: Claim for Damages*

Dear Ms. Parker:

As you are aware, our firm represents Chief Anne Kirkpatrick in connection with her unlawful termination as Chief of Police in Oakland. Pursuant to the California Government Claims Act, Cal. Gov. Code § 900 *et seq.*, Chief Kirkpatrick presents the enclosed claim for damages to the City.

Enclosed, please find the following documents:

- City of Oakland Claim Form
- Narrative Attachment to Claim Form

Please feel free to contact me with any questions or concerns.

Very truly yours,

KEKER, VAN NEST & PETERS LLP



R. James Slaughter

Enclosures



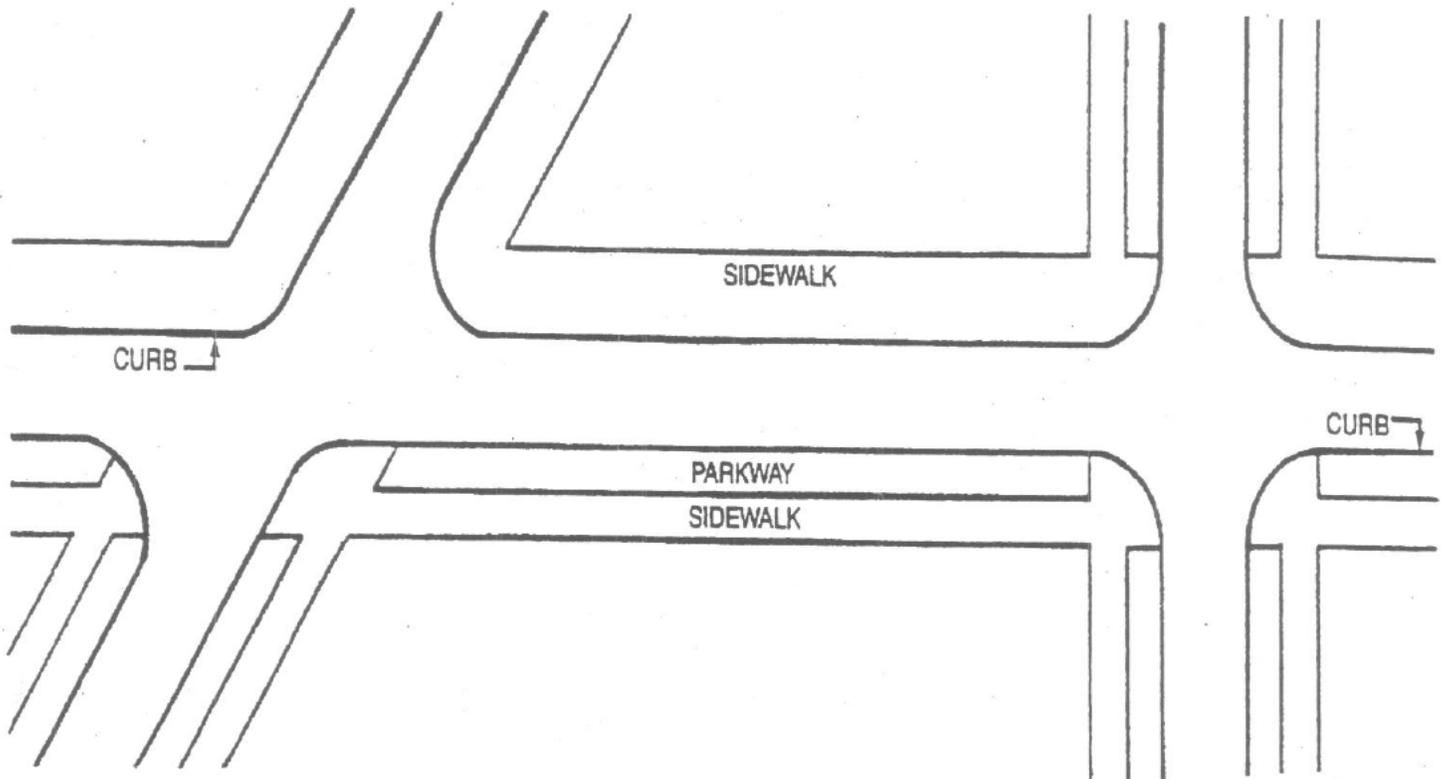
**PLEASE READ CAREFULLY**

If claim is for injury and you are still under doctor's care, indicate that on the form and submit medical bills to date with status of your condition. If property damage is involved, submit two estimates of repairs or paid invoices to substantiate amount claimed. If the accident involved a vehicle, give the following information:

LICENSE NO.:     N/A     YEAR/MAKE OF THE VEHICLE:     N/A    

For all auto accident claims, place on the following diagram the names of streets, including North, East, South and West; indicate the place of the accident by an "X" and by showing house numbers or distances to street corners. If a City vehicle was involved, designate by letter "A" the location of the city vehicle when you first saw it, and by "B" the location of yourself or your vehicle at the time;

If your claim involves some other type of incident, use the diagram below to indicate the location where the incident occurred, showing addresses, landmarks or a photograph if necessary depicting the exact site. Failure to complete the diagram or provide a photo of the site may result in delays in the acceptance of your claim as sufficient according to CA Government Code §§ 900 et seq.



**ATTACHMENT TO CLAIM FOR DAMAGES  
CHIEF ANNE KIRKPATRICK**

**I. NATURE OF THE CLAIM**

This is a claim for damages against the City of Oakland (the “City”) arising out of Chief of Police Anne Kirkpatrick’s unlawful and retaliatory discharge. For nearly three years, Chief Kirkpatrick—alone and unsupported—raised a series of alarms about misconduct by the Oakland Police Commission that violated state and local law. Those reports went largely unheeded until the City fired her in retaliation for blowing the whistle.

Put simply, the Police Commission is out of control. Commissioners routinely seek access to legally protected Oakland Police Department (“OPD”) personnel records, to which they are not entitled and to which they have no lawful right of access. Commissioners corruptly look for special treatment from OPD in their personal affairs. They frequently abuse OPD staff and interfere in day-to-day operations.

The City, acting through its agents Mayor Libby Schaaf and the Police Commission, fired Chief Kirkpatrick in retaliation for her repeated reports of Police Commission misconduct. The Chief’s termination was unlawful. Through this Administrative Claim for compensation, Chief Kirkpatrick seeks to be made whole for the damages she has suffered as a result of her illegal firing.

The facts contained in this Administrative Claim are those currently known to Chief Kirkpatrick. However, should the City decline to resolve her claim at the administrative level, Chief Kirkpatrick expects to add additional relevant facts presently in the City’s possession or in the possession of third parties, currently unknown to her, that are obtained through civil discovery.

**II. BACKGROUND**

Chief Kirkpatrick is a law enforcement professional with deep, nationwide experience. She came to Oakland from Chicago, Illinois where she served as Chief of the Bureau of Organizational Development. When Chief Kirkpatrick arrived at OPD on February 27, 2017, she took the helm of a department in the midst of a slow and painful period of growth following

a series of destabilizing events that undermined OPD's credibility and respect in the community it serves. A reformer and advocate for police transparency, Chief Kirkpatrick began her tenure as Chief of Police against the backdrop of two critical events.

### **1. Measure LL and the Police Commission**

The Chief's hiring came shortly after the passage of Measure LL, a ballot measure that created the current manifestation of the Police Commission. Oakland citizens approved Measure LL during the November 2016 elections. Under Measure LL, the Commission received a specific and limited mandate: to oversee, review and reform OPD's "*policies, procedures, customs, and General Orders*[".]"

The text of the initiative enumerated six areas of responsibility and authority within the Commission's purview: (1) conduct public hearings at least annually related to policy and procedures; (2) propose changes to policies and procedures; (3) exercise oversight authority to approve or reject OPD's own suggested changes to Department policies and procedures; (4) "review and comment, at its discretion, on all other policies [and] procedures"; (5) review the City's budget for OPD to ensure it is in alignment with OPD's policies and procedures; and (6) substantial input into hiring and firing the Chief of Police.

The Police Commission's hiring and firing authority includes the ability to propose four candidates from whom the Mayor may choose to hire as Chief, as well as the ability to fire the Chief of Police for cause. Where, as here, the Chief is fired without cause, the Mayor must consent.

Under Measure LL, the scope of the Commission's authority is clear—it is empowered to examine and, if necessary, adjust OPD's governing policies and procedures. It may also exercise significant authority with respect to OPD's most senior leadership in the form of its hiring and firing power. But it has no authority over the day-to-day operations of the Department, it is not empowered to direct or assign lower-level OPD staff, and it is explicitly prohibited from accessing legally protected OPD personnel records except in certain limited circumstances.

Following Measure LL’s enactment, the Police Commission began meeting in November 2017, about nine months after the City hired Chief Kirkpatrick. It was a rocky start—three Commissioners left their roles early in the Police Commission’s first months. In addition, the Police Commission suffered from significant tension between mayoral appointees and community appointees. As a mayoral appointee herself and a newcomer to Oakland, Chief Kirkpatrick received her share of animosity from the community appointees on the Police Commission.

Compounding these problems, the Police Commission evidenced a misunderstanding of its role right from the start. Although the scope of its authority is clearly limited to policy and procedure, the Police Commission sought to involve itself in the daily affairs and operations of OPD and acted as if OPD employees were Police Commission staff. Measure LL forbid former OPD officers and others with law enforcement experience from serving on the Police Commission, and the Commissioners’ lack of background with police work exacerbated an already challenging situation. In addition, the City failed to provide the Police Commission with the necessary staff and support for a successful start, shortcomings that the Police Commission wrongly attributed to OPD. When Police Commission meetings eventually began in the late fall of 2017, they were chaotic, often marked by discordant exchanges between Commissioners, OPD representatives, and the community.

## **2. The Negotiated Settlement Agreement and Federal Monitor**

In addition to Measure LL and the Police Commission, federal monitors have overseen OPD for the last seventeen years as part of a “Negotiated Settlement Agreement” (the “NSA”). The NSA arose out of a federal civil rights lawsuit brought in response to abuses by a group of rogue OPD officers in the 1990s. Robert Warshaw serves as the current federal monitor, a role he has occupied for the last ten years.

Warshaw’s powers are expansive. He serves as both monitor and compliance director, enabling him to modify specific OPD policies and procedures while at the same time gauging OPD’s compliance with the terms of the NSA. Although the federal court in San Francisco is

ultimately responsible for determining OPD's status with respect to the NSA, Warsaw reports to the Court on a monthly basis. The monitor's report carries significant weight with the Court and Warsaw thus wields significant influence over OPD and the City's leadership.

In her role as leader of OPD, Chief Kirkpatrick immediately sought a cooperative working relationship with Warsaw. The Chief viewed full compliance with the NSA as a mission-critical primary objective and engaged Warsaw in an effort to reach that goal. Throughout her time at OPD, Chief Kirkpatrick maintained constant communication with Warsaw and his team; Warsaw consistently indicated to the Chief that OPD was making steady progress towards full compliance and termination of the NSA. Two weeks before the Chief's termination, Warsaw told her that OPD was "deep in the red-zone," meaning close to achieving full compliance.

### **III. CHIEF KIRKPATRICK'S REPORTS OF UNLAWFUL AND INAPPROPRIATE POLICE COMMISSION CONDUCT**

Even under these challenging circumstances, Chief Kirkpatrick's time as OPD's leader was marked by many successes and improvements. But a series of incidents involving the Police Commission ultimately drove the Chief to submit at least seven reports of inappropriate and unlawful conduct to the Oakland City Attorney's Office, the City Administrator, and the Mayor of Oakland. The Police Commission and Mayor orchestrated Chief Kirkpatrick's termination in retaliation for the Chief's repeated whistleblowing.

#### **1. Commissioners Exert Inappropriate Influence over Neighborhood Services**

Chief Kirkpatrick's first report of Commissioner misconduct arose out of two Commissioners' inappropriate efforts to steer resources towards their own neighborhoods and related intimidation of two low-level OPD employees.

On March 2, 2018, Commissioners Ginale Harris and Jose Dorado met with two supervisory OPD Neighborhood Services Coordinators ("NSCs") who work with the community to facilitate partnerships between citizens and the Department. During this encounter, Commissioner Harris made several demands, including for information related to OPD hiring

processes and internal OPD documents. Commissioner Harris told these two OPD employees that she “had a history of having people fired” and that she believed NSCs “should be Oakland residents.” Commissioner Dorado, for his part, expressed displeasure with the NSCs assigned to his neighborhood before emphasizing his view that the Ghost Ship fire could have been prevented “had the NSC [done] her job.”

Upon receiving a report of this incident, Chief Kirkpatrick made a report to the City Attorney’s Office and City Administrator Sabrina Landreth. Landreth served as Oakland’s chief operating officer and Chief Kirkpatrick’s primary point of contact.

## **2. Commissioner Harris Seeks Special Treatment**

Chief Kirkpatrick submitted her next report of Police Commission misconduct in connection with an individual Commissioner’s corrupt efforts to obtain special treatment from OPD.

On September 17, 2018 Chief Kirkpatrick was working in her office on the eighth floor of OPD headquarters when Officer Johnna Watson, a staff assistant to the Chief, reported that Commissioner Harris was “basically throwing a fit” over a tow ticket in the Records Department. When citizens receive citations or fines, they may pay them in person in the Records Department. A supervisor from Records arrived and told the Chief that Commissioner Harris had displayed her Commission badge to Records Staff and asked if they “knew who I am?” The Chief also understood that Commissioner Harris felt she had been illegally towed, that she was willing to pay her citation, but refused to pay the fee for a tow truck. Records staff told Commissioner Harris that she could pursue a hearing if she felt she was towed illegally, to which Commissioner Harris replied along the lines of “do I need to call the Chief or I’m going to have to call the Chief[.]” The Chief understood that Commissioner Harris was asking for a favor.

Because her staff had escalated the matter to her desk, Chief Kirkpatrick felt that the situation was serious. She instructed Officer Watson to bring Commissioner Harris to her office. When Commissioner Harris arrived, the Chief told her that she would not grant any favors for Police Commissioners and recommended that Commissioner Harris follow the ordinary appeals

process. Commissioner Harris then denied that she was seeking “a favor,” and ultimately left the Chief’s office without obtaining any change in her fine.

After Commissioner Harris left, the Chief documented the events in an internal report. Chief Kirkpatrick also sent an email to several lawyers in the Oakland City Attorney’s Office and City Administrator Landreth, informing them of the confrontation. The Chief wrote that Commissioner Harris was “bullying” her staff and expressed concerns regarding retaliation against her or her staff.

### **3. The Police Commission Seeks Confidential Court Records**

In October 2018, the Chief asked the City Attorney’s Office for advice fending off an inappropriate and unlawful request for information from the Police Commission related to a lawsuit filed by family members of Waajid Bey, an Oakland shooting victim. The Police Commission had placed discussion of the case on several meeting agendas. The Chief understood that information related to the Bey lawsuit was sealed and subject to a federal protective order; she refused to comment

In October 2018, the Police Commission placed a confidential document produced during discovery in the Bey litigation on a meeting agenda. The document, subject to the federal protective order, had been marked confidential. The version designated for the meeting, however, had the confidential marking removed. The Chief asked the City Attorney’s Office to attend the meeting, for the purpose of explaining that the Chief could not comment on on-going, sealed litigation, nor could she comment on a document that appeared to have been leaked in violation of a federal protective order. The City Attorney’s Office refused to attend the meeting and instead provided a written statement for the Chief to read. After the Chief read the statement, which explained that the City Attorney’s Office advised her not to comment on confidential documents produced as part of on-going litigation, the Police Commission accused the Chief of “blatant disrespect.”

#### **4. The Police Commission Insults Alameda County's Public Defender**

Chief Kirkpatrick reported another incident involving the Police Commission in March 2019, this time documenting disturbing events that occurred in an open, public session.

On March 28, 2019, Alameda County Public Defender Brendon Woods addressed a Police Commission meeting that Chief Kirkpatrick attended. In the middle of Woods's remarks, Commissioner Harris interjected to the effect that Woods's "skin color is black" but that he "may not live like a black man." Woods took offense and responded with a brief personal history. These events are captured on video, and a reporter present at the meeting sent a Tweet within a few moments of the exchange.

The next day, the Chief drafted an email to Ryan Richardson in the City Attorney's Office, copying City Administrator Landreth. She titled the email "Potential Complaint," and explained that she found Harris's remark "so unacceptable that I personally apologized to Mr. Wood[s]." The Chief asked the City Attorney's Office if this incident triggered her mandatory reporting obligation under City Administrative Instruction 71 ("AI 71"), a policy governing harassment and workplace misconduct. The final line of her email is particularly ominous in retrospect: "I am concerned that the Police Commission could be retaliatory toward me for reporting this to you."

#### **5. The Police Commission Harasses the Chief and Seeks Confidential Investigative Information**

The Chief submitted several reports to City leadership related to the Police Commission's unlawful efforts to obtain confidential personnel information in connection with an investigation into racial bias within OPD, as well as the Police Commission's attempts to intimidate and harass the Chief into commenting on the investigation in violation of her contractual duty of confidentiality.

Sometime in October 2018, Sergeant Aaron Smith, the President of the Oakland Black Officers' Association ("OBOA"), sought a meeting with Chief Kirkpatrick. She understood this meeting to involve Smith's difficulties with his supervisor, Captain Jake Bassett. The Chief

knew that many perceived Bassett to be a poor communicator, and although she found him quite competent, the Chief had received complaints regarding his leadership style in the past. At the time, Bassett oversaw the OPD Academy, which also retained responsibility for recruitment efforts.

The Chief partially misunderstood the nature of Smith's visit. She believed Smith's complaint was with Bassett's leadership; while Smith did have such concerns, he also wanted to raise issues related to Bassett's handling of diversity and recruiting. By her own admission, Chief Kirkpatrick missed the possible bias issues in Smith's presentation because the focus of his remarks was directed towards moving Virginia Gleason into the position overseeing recruiting. Gleason was the Deputy Director of the Bureau of Support Services and Chief Kirkpatrick's top civilian aide. In part due to concerns about a non-union civilian employee supervising sworn officers and union members, the Chief did not immediately take action, although she was working on a solution behind the scenes.

Ninety days after her meeting with Smith, the OBOA released an open letter that was highly critical of the Chief, Captain Bassett, and diversity and race issues within OPD. The letter caused serious disruption within the Department. The Chief immediately recognized that an AI 71 investigation was appropriate and welcomed outside scrutiny of the issues OBOA presented in its letter.

After the City announced an investigation, the Police Commission placed a status update on the probe on every meeting agenda. But, on advice of counsel, Chief Kirkpatrick could not speak to the issue in any capacity because she was legally precluded from discussing an open internal investigation. Moreover, she could in no circumstance comment on an investigation of which she was a focus. Nevertheless, in a transparent effort to harass and intimidate the Chief, the Police Commission continued noticing a status report, even after the Chief informed them that she could not answer any questions.

By April 2019, the situation had reached a boiling point. The Chief attended a Police Commission meeting where the status of the AI 71 investigation was again on the agenda. After

refusing to address the topic, the Chief drafted an email to Mayor Schaaf, City Administrator Landreth, and the City Attorney Barbara Parker (among others), titled “Complaint,” where she decried the Police Commission’s conduct. She explained that it was her “understanding that employment law prevents me from addressing” the issue and lamented that she was “being challenged as insubordinate” for refusing to violate her legal obligations.

#### **6. The Police Commission Inappropriately Directs Staff**

Chief Kirkpatrick reported again on the Police Commission’s campaign of interference in the early summer of 2019. On May 29, 2019, Commissioner Harris emailed Chief Kirkpatrick to request that Deputy Chief Armstrong serve as OPD’s liaison to the Police Commission. In the request, Commissioner Harris explained that “I often have many question[s] in regards to East Oakland that I believe and trust that Deputy Armstrong can answer. I do appreciate your staff that you bring to the meetings, however they are not from East Oakland or Oakland period. I am a firm believer that you can only be an expert if you have experienced it.”

After some back and forth with Commissioners Harris and Regina Jackson, Chief Kirkpatrick ultimately informed them that she had spoken to Deputy Chief Armstrong and that he was not interested in serving as a liaison. Commissioner Jackson responded that the Commission “would like to have DC Armstrong be the liaison whether he likes it or not.” Finally, on June 5, 2019, the Chief sought the intervention of the City Attorney and City Administrator Landreth, writing that they needed “to explain the issue of having a commissioner directing staff.” Ryan Richardson, from the City Attorney’s Office, responded that he could “advise them again that they cannot direct staff. We still cannot prevent them from trying.” On June 20, 2019, in the face of repeated demands and inaction from the City Attorney, the Chief concluded she had no recourse; she relented and assigned Deputy Chief Armstrong as the OPD liaison to the Police Commission, against his will.

#### **7. The Police Commission Serves an Unlawful Subpoena**

In the early summer of 2019, Chief Kirkpatrick raised further concerns about the lawfulness of Police Commission activity with the City Attorney and the City’s executive staff.

OPD's internal investigations into the shooting death of Joshua Pawlik were coming to a close; OPD officers shot and killed Pawlik, a homeless man, after they observed him sleeping with a firearm. Eventually, the Executive Review Board, the Community Police Review Agency, and Chief Kirkpatrick concluded that the use of force in the Pawlik shooting was within OPD policy.

The Police Commission and federal monitor Robert Warshaw were not satisfied with OPD's review and Commissioners sought to obtain confidential records related to the Department's internal investigation. Chief Kirkpatrick could not lawfully comply because the requested files contained protected personnel records, leading to several contentious Police Commission meetings. The Chief communicated with the City Attorney's office, explaining her belief that Commissioners were again attempting to force her to disclose confidential information in violation of law and the terms of her contract. Chief Kirkpatrick continued to ask the City Attorney's Office to intervene on her behalf at Police Commission meetings, but the Commissioners were so rude to the staff attorneys who attended meetings that, eventually, the City Attorney's Office simply refused to attend. Chief Kirkpatrick was left to defend herself and her staff alone.

In June, the Police Commission issued a subpoena for all of OPD's internal communications related to the Pawlik case. Although Measure LL did vest the Police Commission with subpoena power, this request exceeded the lawful boundaries of that power because it sought information protected by state law. Chief Kirkpatrick called Ryan Richardson at the City Attorney's Office, who in turn sent an email outlining the ways in which the Police Commission's subpoena was illegal. Richardson recommend that the Chief collect responsive communications and place them in a sealed envelope addressed to Mike Nisparos, a former Commissioner now serving as the head of the Community Police Review Agency ("CPRA"). In his role at the CPRA, Nisparos was authorized to view sensitive personnel information, unlike the Commissioners. Nisparos refused to turn over the communications.

## **8. The Commission Harasses and Intimidates Senior OPD Staff**

The Police Commission's campaign of intimidation, harassment, and interference with OPD leadership reached its climax in the fall of 2019. Representatives from the Police Commission informed Chief Kirkpatrick's senior civilian aide, Virginia Gleason, that the Police Commission desired a report on OPD's efforts to increase diversity and inclusion in its hiring practices. Gleason was now responsible for leading these efforts, so preparation and presentation of the report were her responsibility. Gleason informed Chrissy Love, the administrator in charge of scheduling for the Police Commission, that the first-choice date, October 10, 2019, conflicted with Gleason's pre-approved family vacation. Love and Gleason agreed on October 24, 2019 instead.

Then, without Gleason's advanced knowledge, the Police Commission placed her presentation on the agenda for October 10. The Police Commission knew Gleason had planned to be out of town on that date and sought to embarrass both Gleason and OPD by scheduling the presentation for a time when Gleason could not appear. Nevertheless, the Police Commission's efforts were initially foiled; Gleason canceled her vacation, attended the October 10, 2019 meeting, and delivered her report. Chief Kirkpatrick also attended the meeting.

But the Police Commission was not to be denied; Commissioners launched into heated criticism of Gleason's report almost immediately. At least one Commissioner called the report "disgraceful." Commissioner Harris told Gleason that, based on the content of the report, she "should be ashamed of herself." The Commissioners' breathtakingly abusive and harassing conduct, unbecoming of public officials—and recorded on video—was a bridge too far. Chief Kirkpatrick directed Gleason to step off the dais and took the microphone herself. She admonished the Police Commission not to "speak to our staff in that manner" and emphasized that targeted abuse "is not acceptable." The Chief demanded an apology on Gleason's behalf; Commissioner Harris responded that "[s]he will not get one from me. And neither will you."

The next day, the Chief wrote a "Formal Complaint," addressed to Barbara Parker (the City Attorney) and City Administrator Landreth, among others. Her Complaint described the

facts leading to the conflagration at the October 10, 2019 meeting in detail. She also noted that Commissioner Smith and John Alden, the new director of the CPRA, reached out to her following the meeting. Alden, she reported, characterized the events as “horrifying” and told the Chief that the Commissioners’ motivations were “personal.” The Chief also noted that Deputy Chief Armstrong had told Gleason that the Police Commission knew the change in meeting date would interfere with Gleason’s vacation and that it was “personal.” The Chief further observed that the Police Commission continued to notice the OBOA investigation for a status update and had noticed it for the October 10 meeting.

Chief Kirkpatrick’s report noted her belief that the Commissioners’ behavior could be retaliation for the Chief’s report of Harris’s challenge to her tow ticket. Her complaint ended by listing the other senior OPD staff present at the Commission meeting: Assistant Chief Darren Allison, Lieutenant Bobby Hookfin, Deputy Chief Roland Holmgren, and Lieutenant Wilson Lau.

#### **IV. THE CHIEF’S TERMINATION**

At an open session of the Oakland City Council on January 28, 2020, Councilmember Rebecca Kaplan revealed the existence of a highly confidential internal investigation into repeated instances of misconduct by Police Commissioner Ginale Harris. Councilmember Kaplan disclosed a document that described the scope of the investigation and its approximate cost.

Chief Kirkpatrick was involved in several of the incidents under scrutiny, including Commissioner Harris’s threats to two NSCs in March 2018 and the September 2018 tow ticket incident. The investigative team, from Public Interest Investigations, interviewed Chief Kirkpatrick in May 2019. To be clear, Chief Kirkpatrick did not commission the investigation, nor did she direct its aims or conduct. Her sole involvement was as a percipient witness to several of the events the City believed merited further investigation. Notably, *the very document* Councilmember Kaplan disclosed, outlining the scope of the investigation, highlighted that Chief

Kirkpatrick was already on record as being concerned about the prospect of retaliation for her reports related to Commissioner Harris's misconduct.

Two days after Councilmember Kaplan revealed the investigation of Commissioner Harris, on January 30, 2020, an article appeared in the Oakland Post describing the investigation and suggesting that it was the product of "repeated moves by the Chief of Police Anne Kirkpatrick and the City Administrator Sabrina Landreth against Oakland Police Commission Vice Chair Ginale Harris." The retaliation Chief Kirkpatrick feared had begun in earnest.

In response to the article, Chief Kirkpatrick emailed Ryan Richardson at the City Attorney's Office and asked how Councilmember Kaplan came into possession of a confidential City document. Richardson responded that he released the document in response to a Public Records Request. The Chief pointed out the obvious: releasing the document would have a tremendous chilling effect on any City employee that might have considered a complaint against the Police Commission. Richardson acknowledged that risk, and admitted he had failed to consider the implications for whistleblowers when he released the document. Chief Kirkpatrick again emphasized her concerns about retaliation.

Following the article's publication, the City Council met in closed session on February 5, 2020. Less than two weeks later, Mayor Schaaf visited Chief Kirkpatrick in her home and told the Chief that the Police Commission intended to fire her. Mayor Schaaf also suggested that the federal monitor, Robert Warshaw, supported firing the Chief and actively promoted the Police Commission's decision. The Mayor asked Chief Kirkpatrick not to return to work.

On Thursday, February 20, 2020, Mayor Schaaf called Chief Kirkpatrick and informed her over the telephone that the City had terminated her employment as Chief of Police without cause, effective immediately. The City never offered the Chief an administrative hearing as required under the Peace Officer's Bill of Rights, nor did it afford her an opportunity to appeal the City's decision before a neutral decision maker.

## V. CLAIM FOR DAMAGES

The City fired Chief Kirkpatrick in retaliation for her repeated whistleblowing activities. On at least seven occasions, Chief Kirkpatrick reported unlawful and inappropriate conduct on the part of Oakland Police Commissioners, including:

- Unlawful attempts to obtain confidential peace officer personnel records in violation of Cal. Penal Code § 832.7 and Oakland Municipal Code § 2.45.80;
- Unlawful attempts to misuse official positions for personal gain in violation of Cal. Penal Code § 68(a) and Oakland Municipal Code § 2.25.06; and
- Abuse of authority and retaliatory conduct in violation of Oakland Municipal Code § 2.24.100.

The City terminated the Chief in direct response to her protected whistleblowing activities. The Chief's termination therefore violated, *inter alia*:

- The First Amendment to the United States Constitution;
- Article 1, Section 2 of the Constitution of the State of California;
- The California Tom Bane Civil Rights Act, Cal. Civil Code § 52.1;
- The California Whistleblower Protection Act, Cal. Labor Code § 1102.5; and
- The Peace Officer's Bill of Rights, Cal. Government Code § 3304(c).

Chief Kirkpatrick claims the following damages:

- Lost wages and future earnings she would have received in a comparable position up to age sixty-five;
- Pension benefits;
- Retirement healthcare benefits;
- Damages for emotional distress; and
- Reasonable attorney's fees associated with the preparation of her claim.

The total amount of the Chief's claim exceeds the jurisdictional minimum for an unlimited civil case in the Superior Court of California.